

ORDINANCE 2005-11

AN ORDINANCE TO AMEND SECTION 8.11 FOR THE CODE OF ORDINANCES FOR THE VILLAGE OF STURTEVANT, RACINE COUNTY, WI. RELATING TO STREET TREES.

8.11 STREET TREES

Village residents are encouraged to plant and replace trees to increase and maintain property values, provide shade and to enhance the beauty of their property and the Village. The following regulations shall apply:

- (1) **DEFINITIONS.** The following word, terms, and phrases, when used in this section, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Public rights-of-way shall mean and include that part of every street and alley, and that area between the lot line or sidewalk and the curb (or proposed location of a curb) or roadway if a curb is not present. This property is owned by the village and to be maintained by the adjacent property owner.

Parkway shall mean the same as Public rights-of-way

Street shall mean every highway, as defined in sec 340.01(22) Wis. Stats., within the corporate limits of the Village including alleys, as defined in sec 340.01(2) Wis. Stats.

- (2) **POWERS.** The Village Board shall have full power and authority over all trees, plants and shrubs planted and to be planted in the public rights-of-way of the Village, including the right to plant new trees and care for the same. The Director of Public Works (DPW), village forester or any authorized village employee shall have jurisdiction and control over all trees and shrubs upon all streets, public parks and all other grounds in the Village, along with enforcing all ordinances pertaining to trees and shrubs.

- (3) **PLANTING OR REMOVAL OF TREES** The Village Board shall have the authority to order any and all trees and stumps removed, to plant other trees and care for the same.

Any person desiring to plant or remove any tree upon any Village street shall get a written permit from the Village or appointed department and abide by all the rules and regulations concerning the planting or removing of the same.

Recommended Trees.

- (a) The size and species and cultivar/variety of trees to be planted in public rights-of-way or as a part of the village approved forestry program, and the manner of planting, shall be submitted to the DPW for approval before commencement of such work.
- (b) The Village shall allow only the following trees to be planted along with new and improved varieties approved by the University of Wisconsin Horticulture department.

Miyabe maple,
Pacific Sunset maple
Maples (excluding Silver Maples)
Ginkgo
Redmond Linden
Sentry Linden
New Horizon' Elm
Frontier' elm

Norway Sunset maple
Freeman Maple
Autumn Purple white ash (native)
Glenleven Linden
Silver Linden
Regal' Elm
Morton' elm
American smoketree

Autumn Blaze Callery pear (non fruit bearing)
Bradford Pear (non fruit bearing) Ivory Silk Japanese tree lilac
Honey locust Skyline locust

***Silver Maples, fruit or nut bearing trees and evergreens will not be approved.**

(c) TREES UNDER UTILITY WIRES

Planting of tall growing tree species under utility wires is hereby prohibited. Tall growing trees are any tree that may grow larger than 25 feet in height.

The following is a suggested list:

Hedge (Field) Maple	Speckled Alder
Serviceberry (single stem only)	Japanese Lilac
Redbud	Thornless Hawthorn
Magnolia	

(4) DENSITY AND PLACEMENT

(a) No tree shall be planted under this section which is less than 1½ inches in diameter 6" above ground. **Recommended tree spacing is approximately 35' apart, 10 feet from any overhead streetlight, 7 feet from crossing underground utilities such as gas, electric, street lighting, sewer/water mains.** No tree shall be planted within 35 feet of any street corner. No tree shall be planted if parkway is less than 5 feet across (wide). Tree must be centered in parkway as to have 2 ½ feet on each side of the tree. In sections without sidewalk, plant trees at least 4.5 feet from curb.

(b) No more than one tree shall be planted in a public right-of-way abutting a lot having a frontage at the street of less than 75 feet. If this subsection conflicts with any deed restriction or subdivision rule that is more restrictive than this subsection, then the deed restriction or subdivision rule controls.

(5) TRIMMING

(a) Trees or shrubs planted within any parkway or public right-of-way shall be kept trimmed by the owner or occupant of the property. Any of the branches or foliage projecting over any public street which is the subject of vehicular traffic provides a clearance of not less than 14 feet from the pavement.

(b) Trees or shrubs standing in or upon any public right-of-way adjacent to a public sidewalk shall be kept trimmed by the owner or occupant of the property. Any branches or foliage projecting over any sidewalk or right-of-way for pedestrian traffic MUST provide a clearance of not less than 8 feet from the pavement or ground.

(c) The Village may waive the provisions of this section for newly planted trees if the engineer or DPW determines that they do not interfere with public traveling, obstruct any street light or sign or endanger public safety.

(d) All trees upon private property or the public rights-of-way shall be so trimmed as to abide by the above rules. Bushes shall be so trimmed that no part of the same shall extend over the sidewalk. The Director of Public Works shall notify the owner of any such tree or shrub to remove any branches extending over the sidewalk, which he shall deem dangerous to vehicles or pedestrians. If any such owner shall fail to remove such branches or trim such trees or shrubs as STATED above, the Village may do so and charge the expense of the same under sec. 66.60(16), Wis Stats., as a special charge against the property owner. Those doing such work will provide a strict account of the work preformed, showing all labor and materials furnished, and report to the Village each month.

(6) TREE REMOVAL

(a) In cutting down trees, the tree must be removed with the root stump grubbed out or ground out, to a depth of at least nine inches below grade measured in a straight line from the normal grade of sidewalk to the top of curb. Surface roots beyond the main stump are to be removed to a depth of 5 inches below grade. All wood and debris must be removed from the street and sidewalk prior to the end of each working day and all holes shall be filled to normal grade level.

(c) Dangerous, Obstructive and Infected Trees. Any tree or part thereof, whether alive or dead, which the Village shall find to be infected, hazardous or a nuisance so as to endanger the public or other trees, plants or shrubs growing within the Village, or to be injurious to public sewers, sidewalks or other public improvements whether growing upon public or private premises, shall be removed, trimmed or treated by the owner of the property upon or adjacent to which such tree or part thereof is located. The Village shall give written notice to said owner to remedy the situation. Such notice shall specifically state the period of time within which the action must be taken, which shall be within not less than twenty-four (24) hours nor more than fourteen (14) days as determined by the Village on the basis of seriousness of the condition of the tree or danger to the public. If the owner shall fail to remove, treat or trim said tree within the time limited, the Village shall cause the tree to be removed, treated or trimmed and shall report the full cost thereof to the Village Clerk who shall thereupon enter such cost as a special charge against the property.

(7) REMOVAL OF DEAD WOOD FROM TREES

Each owner and person in possession of real estate in the Village of Sturtevant shall cause all dead wood to be removed from every tree on his property or parkway, and dispose of properly. In the event that it appears to any agent or employee of said Village that there is dead wood in any tree on private property in the Village, the Village shall cause notice to be given to the owner at his last known address, and the person in possession of such property, to remove and dispose of such dead wood. If such dead wood has not been removed within 10 days after such notice is given, then the Village shall remove the same. Accurate record of the cost of removing dead wood shall be kept and a report made to the Village Clerk, and the amount thereof shall be entered as a special tax against such property.

(8) PENALTIES- Penalties for violation of this ordinance subject to provisions in Chapter 25.04.

Adopted by the Village Board of the Village of Sturtevant, Racine County Wisconsin this 20th day of September, 2005

VILLAGE OF STURTEVENT

By: _____
Steven Jansen, President

Attest: _____
Donna Deuster, Clerk/Deputy Treasurer